

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ROGER J. DAY, M.D.,

Plaintiff,

v.

ORDER

Civil File No. 05-2675 (MJD/RLE)

STATE OF MINNESOTA, et al.,

Defendants.

Richard I. Diamond, Richard I. Diamond, PA, Counsel for Plaintiff.

Thomas C. Vasaly, Minnesota Attorney General's Office, Counsel for Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of Chief Magistrate Judge Raymond L. Erickson dated July 18, 2007. [Docket No. 178] Plaintiff Roger J. Day filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court adopts the Report and Recommendation dated July 18, 2007.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED that:

1. The Chief Magistrate Judge's Report and Recommendation dated July 18, 2007 [Docket No. 178] is hereby **ADOPTED**.
2. Defendant's Motion to Dismiss the Complaint, or in the Alternative, for Summary Judgment [Docket No. 125] is **GRANTED**, as to Plaintiff's ADA, Equal Protection, Due Process, and other Federal Civil Rights claims.
3. Plaintiff's State law claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367(c)(3).
4. Plaintiff's Motion for Summary Judgment [Docket No. 165] is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 6, 2007

s / Michael J. Davis
Judge Michael J. Davis
United States District Court